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## AGENDA ITEM BRIEFING

Commissioners Court – November 02, 2020

AI Number: 78066

Project Number: 2020-616

**Information:** [Requesting authority to authorize a discretionary exemption for Elections Department to receive necessary training as a function of government and of the county's efforts in mitigating the on-going COVID-19 in order to assist with County functions related to medical and public health measures.]

**Description of AI:** (A) Discussion, consideration, and action to approve a necessary HAVA Cares Act Relief Fund expenditure to cover cost of purchase; (B) Exemption from competitive bidding requirements, pursuant to Texas LGC 262.024 (a)(1)(2); (C) Requesting approval of the purchase of Mail Ballot Activity Portal

**Funding Source:** HAVA CARES Act Relief Fund Acct. # 0-1283-414-00-130-026-0-650/336

**Requested by:** Yvonne Ramon

**Department:** Elections Department

**Prepared by:** Yolanda Velasquez, Contract Specialist II **Department:** Purchasing Department

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### BACKGROUND

On March 17, 2020, pursuant to the authority under Texas Government Code Section 418.108, Hidalgo County Judge Richard Cortez issued a Declaration of Local Disaster for Public Health Emergency due to the imminent threat arising from the Coronavirus (COVID-19). On March 22, 2020, in accordance with Texas Government Code Section 418.108(b), the Commissioners Court of Hidalgo County issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Hidalgo County Emergency Management Plan and extends the Declaration of Local Disaster.

In coordinating the response to this ongoing public health emergency, the Hidalgo County Elections Department for the 2020 Election cycle is preparing for an increase in Mail-in Ballots as voters will be adhering social distancing guidelines. Therefore, purchase of the VOTEC Mail Ballot Activity Portal will assist the Elections Department staff with the tracking of the voter's mail ballot status. This software will also adhere to CDC social distancing guidelines and will offer the convenience of poll worker training in the safety of the poll worker's own home.

The 2010 Census has indicated that Hidalgo County has a low to moderate income level of 54.75% and the Texas Department of State Health Services estimated Hidalgo County's population to be 1,005,539. With this large impoverished population, but limited lab testing capacity, the detection, mitigation and response to COVID-19 has been largely impacted. Current public health directive

emphasizing the importance of preventing and mitigating the spread of COVID-19. However, given our current trend, we are projected to have a large segment of the population severely impacted by the pandemic.

## COMPLIANCE

Discretionary exemptions are authorized by the Texas Local Government Code 262.024 (a) states “a contract for the purchase of any of the following items is exempt from the requirement established by the section 262.023 if the commissioners court by order grants the exemption.” This request is being made under LGC 262.024 (a) (2), an item necessary to preserve or protect the public health or safety of the residents of the county, and LGC 262.024 (a) (4) a personal or professional service. The procurement of services complies with 2 CFR 200 requirements.

## ADMINISTRATION

Approval of the item is consistent with Hidalgo County’s response to COVID-19 while continuing to provide necessary services to mitigate, control and manage the spread of the virus.

## AGENDA ITEM CAPTION

- A. Discussion, consideration, and action to approve a necessary Help America Vote Act, aka, HAVA CARES Act Relief Fund expenditure to cover cost not accounted for in the current budget and cannot be lawfully funded by line item, allotment or allocation, for the **Hidalgo County Elections Department of the purchase of Mail Ballot Activity Portal in order to implement the distancing measures addressing the ongoing COVID-19 public health emergency;** the Court having reviewed the Agenda Item Briefing, herein finds that such expenditure is reasonable and necessary for the intended use.
- B. Requesting exemption from competitive bidding requirements, pursuant to Texas LGV 262.024 (a)(1)(2): an item that must be purchase in case of a public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens; (2) an item necessary to preserve and protect the public health and safety of the citizens.
- C. Requesting approval the purchase of the Mail Ballot Activity Portal with Votec Corporation for a total of \$ 9,502.60 for the upcoming 2020 presidential election. (Req#422202)

## RECOMMENDATION:

Approval of the items will allow the Hidalgo County Elections Department to continue to respond to the current public health emergency of COVID-19. As previously stated, with these large impoverished population and continued incurred case search; therefore, this is deemed as a reasonable and necessary expenditure related to the County COVID-19 Public Health Response. Expenditures will be charged to the Coronavirus Aid, Relief, and Economic Security (CARES) Act and/or other assistance available to address the COVID-19 public health emergency.